

III. Remarks

A. Status of the Claims

Claims 1 and 21-38 will be pending in the application after entry of this amendment. Of these claims, claims 27, 29-30, 32-33, 35-36 and 38 were previously withdrawn. Claims 3-20 were previously canceled. Claims 2 and 39 have been canceled without prejudice by virtue of this amendment. Claims 1, 21-26, 28-39, 31-32 and 34-38 have been amended without prejudice. Support for these amendments can be found throughout the application as originally filed, e.g., at page 3, lines 19-22 and page 42, lines 13-24 of the specification. Applicant respectfully submits that no new matter has been added by virtue of these amendments.

B. Claim Rejections Under 35 U.S.C. § 112, second paragraph

In the Office Action, claims 1, 2, 12, 22, 23-26, 28, 31, 34, 37 and 39 were rejected under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner rejected to the term “interferes” in claims 1 and 39, the phrase “at least a portion” in claim 1 and improper antecedent basis for “the immunogenic compound” in claim 21. Additionally, the Examiner stated that “it is unclear whether the claimed methods intend to use isolated protein and/or mixtures of three isolated proteins or is the agent a purified protein extract as claimed in parent application 09/809,003 (now US Patent No. 6,673,351).”

1. The term “interferes”

Applicants have amended claim 1 without prejudice and the term “interferes” has been deleted. Claim 39 has been canceled without prejudice.

2. The phrase “at least a portion”

Applicants have amended claim 1 without prejudice and the phrase “at least a portion” has been deleted.

3. The phrase “the immunogenic compound”

Applicants have amended claim 21 without prejudice to delete the phrase “the immunogenic compound”.

4. Clarity of proteins used

Applicants have amended claim 1 without prejudice to specifically recite that the “immunotherapeutic agent compris[es] polypeptides from at least one species of *Leishmania* protozoa or nucleic acids which encode for at least one species of protozoa”.

Accordingly, in view of the amendments made, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, second paragraph be removed.

C. Claim Rejections under 35 U.S.C. § 112, first paragraph

In the Office Action, claims 1, 2, 21, 22, 23-26, 28, 31, 34, 37 and 39 were rejected under 35 U.S.C. § 112, first paragraph for alleged lack of enablement. Specifically, the Examiner stated that although the specification “does not reasonably provide enablement for ‘ a method for selectively inhibiting T-cell rolling in a human host, the method comprising the step of administering [any] compound ...that interferes with at least one of the following interactions: a CLA and E-selectin interaction, a LFA-1/ICAM interaction or a VLA/VACM interaction”.

In response, independent claim 1 has been amended to recite that the immunotherapeutic agent comprises “polypeptides from at least one species of *Leishmania* protozoa or nucleic acids which encode for the polypeptides from at least one species of *Leishmania* protozoa”. Therefore, the present claims are not directed to a method comprising the step of administering any compound, but are limited to an immunotherapeutic agent comprising polypeptides from at least one species of *Leishmania*

protozoa or nucleic acids which encode for the polypeptides from at least one species of *Leishmania* protozoa.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph be removed.

D. Claim Rejections Under 35 U.S.C. § 102(a)

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 102(a) as being anticipated by Pariser, David M. MD (Managed Care. December 2003, pp. 50-56).

Applicants respectfully submit that Pariser fails to teach or suggest the claimed method for the treatment of atopic dermatitis, psoriatic arthritis or rheumatoid arthritis comprising administering an immunotherapeutic agent comprising polypeptides from at least one species of *Leishmania* protozoa or nucleic acids which encode for the polypeptides from at least one species of *Leishmania* protozoa, in an effective amount to inhibit T-cell rolling to a patient exhibiting symptoms of atopic dermatitis, psoriatic arthritis or rheumatoid arthritis.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(a) over Pariser be removed.

IV. Conclusion

In view of the amendments made and arguments presented, it is believed that all claims are in condition for allowance. If the Examiner believes that issues may be resolved by a telephone interview, the Examiner is invited to telephone the undersigned at (973)597-6162. The undersigned also may be contacted via e-mail at epietrowski@lowenstein.com. All correspondence should be directed to our address listed below.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 50-1358.

Respectfully submitted,
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